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Federal Communications Commission  
Washington, D.C. 20554

REFERENCE ROOM

JUN 03 2003

David D. Oxenford  
Shaw Pittman  
2300 N Street, NW  
Washington, DC 20037-1128

1800E1-PB

In Re: MM Docket No. 00-133  
Station WPXT-TV  
Portland, Maine

Dear Mr. Oxenford:

This is regarding the above-referenced amended petition for rule making you filed on behalf of HMW, Inc., requesting the substitution of DTV channel 43 for station WPXT-TV's assigned DTV channel 4 at Portland, Maine.

As you are aware, the Commission forwarded HMW proposal to the Canadian government seeking its approval of HMW's amended request since the community of Portland is located within 400 kilometers of the U.S.-Canadian border. The Canadian government has completed its review of HMW's latest proposal and objects to the proposal because it fails to adequately protect either Canadian NTSC and/or DTV channels. The Canadian assessment was based upon the second step contour overlap method in the *Letter of Understanding (LOU) between the Commission and Industry Canada, released September 29, 2000*. Specifically, HMW's proposal does not provide protection to the co-channel DTV allotments in Yarmouth, Nova Scotia and Quebec, QC.

Accordingly, you must within 30 days of the date of this letter, submit an appropriate amendment to your petition eliminating the overlap or submit a Longley-Rice analysis that shows less than 2% interference. It is recommended that HMW conduct a complete technical analysis of its proposal in an effort to correct the deficiency outlined in this letter as well as any other technical problems that might exist. You are cautioned that HMW's failure to comply with the requirements of this letter within the time specified herein may result in the dismissal of its petition for rule making.

Sincerely,

Clay Pendarvis  
Associate Chief, Video Division  
Media Bureau

cc: James McLuckie, International Bureau